

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

Bail Appl..No. 1601 of 2007()

COMPLAINT NO.277/03 ON THE FILE OF METROPOLITAN MAGISTRATE, NEW DELHI

: PETITIONER

DR.ROY VIJAYAN, PRASANNA, INDIRAGANDHI
ROAD, CALICUT - 16.

BY ADV. SRI.V.B.HARI NARAYANAN

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
CALICUT.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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B.A. No. 1601 OF 2007 A
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Dated this the 20th day of March, 2007

O R D E R

Petitioner, who is the accused in Complaint No.277/2003 on the file of the Metropolitan Magistrate, New Delhi for an offence punishable under section 138 of the Negotiable Instruments Act, 1881 in respect of a cheque for Rs.5,000/-, seeks anticipatory bail.

2. According to the petitioner, he is a credit card holder of the Citibank and as evidenced by Annexure-A2 letter dated 11.9.06 the petitioner was informed that the Bank has a Structured Payment Plan of Rs.75,000/- in 12 monthly instalments and responding to the same he is paying the amount to the Bank as agreed and while so the Magistrate of New Delhi has issued a non-bailable warrant against the petitioner since the Bank is insisting on keeping the complaint alive until the petitioner pays the entire amount. The case is said to have been posted to 21.6.07. If the petitioner has accepted the one time settlement offered by the Bank and is making periodical payments in terms of the settlement, I am sure that the Bank will not proceed with the criminal complaint. Accordingly, if the petitioner surrenders before the said Magistrate on 21.6.07 and files an application for regular bail and is able to convince the Magistrate that he is making regular payments in terms

of the settlement entered between him and Citibank, his application for regular bail shall be considered and disposed of, preferably on the same date on which it is filed, after taking into account the aforesaid facts. Until then, non-bailable warrants, if any, pending against the petitioner shall not be executed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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